

1 PHILLIP A. TALBERT
United States Attorney
2 MATHEW W. PILE, WSBN 32245
Associate General Counsel
3 Office of Program Litigation, Office 7
Social Security Administration
4 CHRISTOPHER D. VIEIRA, CSBN 273781
Special Assistant United States Attorney
5 6401 Security Boulevard
6 Baltimore, Maryland 21235
7 Telephone: (510) 970-4808
E-Mail: christopher.vieira@ssa.gov

8 Attorneys for Defendant
9

10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**
12 **SACRAMENTO DIVISION**

13 JOSE ASCENCION DUENAS,)	Case No.: 2:24-cv-00186-JDP
)	
14 Plaintiff,)	STIPULATION TO VOLUNTARY
)	REMAND PURSUANT TO SENTENCE
15 vs.)	FOUR OF 42 U.S.C. § 405(g) AND TO
)	ENTRY OF JUDGMENT; PROPOSED
16 MARTIN O'MALLEY,)	ORDER
17 Commissioner of Social Security,)	
)	
18 Defendant.)	
19)	

20 IT IS STIPULATED by and between Plaintiff Jose Duenas ("Plaintiff") and Defendant
21 Martin O'Malley, Commissioner of Social Security ("Defendant"), through their undersigned
22 counsel of record, that the above-entitled action shall be remanded to the Commissioner of
23 Social Security for further administrative proceedings.

24 Upon remand, the Appeals Council will remand the case to an Administrative Law
25 Judge (ALJ) for a new decision and instruct the ALJ to re-evaluate the evidence of record. The
26 parties further request that the Court direct the Clerk of the Court to enter a final judgment in
27 favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.
28

STIPULATION TO REMAND

1 This stipulation constitutes a remand under the fourth sentence of Section 205(g) of the
2 Social Security Act, 42 U.S.C. 405(g).

3 Dated: March 18, 2024

Respectfully submitted,

4 /s/ Kevin D. Heitke*

5 (*as authorized via e-mail on Mar. 15, 2024)

6 KEVIN D. HEITKE

Attorney for Plaintiff

7 PHILLIP A. TALBERT

8 United States Attorney

MATHEW W. PILE

9 Associate General Counsel

10 Social Security Administration

11 By: /s/ Christopher Vieira

12 CHRISTOPHER VIEIRA

Special Assistant United States Attorney

13 Attorneys for Defendant

14 **~~[PROPOSED]~~ ORDER**

15 Based upon the parties' Stipulation to Voluntary Remand Pursuant to Sentence Four of
16 42 U.S.C. § 405(g) and to Entry of Judgment ("Stipulation to Remand"), and for cause shown,
17 **IT IS ORDERED** that the above-captioned action is remanded to the Commissioner of Social
18 Security for further proceedings pursuant to the fourth sentence of Section 205(g) of the Social
19 Security Act, 42 U.S.C. 405(g).

20 IT IS SO ORDERED.

21
22 Dated: April 4, 2024



23 JEREMY D. PETERSON

24 UNITED STATES MAGISTRATE JUDGE